

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LONNIE BAKER,

Plaintiff,

Civil Action No.
11-CV-14086

vs.

HON. MARK A. GOLDSMITH

LVN CORPORATION,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
PLAINTIFF'S MOTION TO REMAND AND OBJECTION TO NOTICE OF
REMOVAL**

This matter is presently before the Court on the Report and Recommendation ("R&R") of Magistrate Judge Komives, entered on October 28, 2011. The Magistrate Judge recommends that Plaintiff's motion to remand (Dkt. 4) and objection to notice of removal (Dkt. 5) be denied. Plaintiff has not filed objections to the R&R and the time to do so has expired. Thus, Plaintiff has waived any further right to appeal. Thomas v. Arn, 474 U.S. 140, 155 (1985). In any event, the Court has reviewed the R&R and finds that the Magistrate Judge has reached the correct result.¹

Accordingly, the Magistrate Judge's R&R (Dkt. 7) is accepted and adopted as the findings and conclusions of the Court. Plaintiff's motion to remand (Dkt. 4) and objection to notice of removal (Dkt. 5) are denied.

¹ The Court notes that Plaintiff's argument that Michigan Court Rule 2.107 (providing that service by mail is complete at the time of mailing) applies here is meritless. Rule 2.107 itself notes that it does not apply to the original service of the summons and complaint. See MCR 2.107(B)(1)(a). Rather, Rule 2.105 applies, which specifies that "[s]ervice is made when the defendant acknowledge receipt of the mail." MCR 2.105(A)(2).

SO ORDERED.

Dated: December 2, 2011
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 2, 2011 December 2, 2011.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager